

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**GALDERMA LABORATORIES, L.P., GALDERMA  
S.A., GALDERMA SKIN HEALTH S.A.,**  
*Plaintiffs-Appellants*

v.

**TEVA PHARMACEUTICALS USA, INC.,**  
*Defendant-Cross-Appellant*

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2019-2396, 2020-1213

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Appeals from the United States District Court for the District of Delaware in No. 1:17-cv-01783-RGA, Judge Richard G. Andrews.

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**ON MOTION**

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Before MOORE, O'MALLEY, and STOLL, *Circuit Judges*.  
O'MALLEY, *Circuit Judge*.

**O R D E R**

Teva Pharmaceuticals USA, Inc. moves to dissolve or stay, pending appeal, the district court's injunction against the sale of Teva's product. Galderma Laboratories L.P. et al. oppose.

2 GALDERMA LABORATORIES, L.P. v. TEVA PHARMACEUTICALS USA,  
INC

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to issue a stay pending appeal. The court's determination is governed by four factors: (1) whether the movant has made a strong showing of likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). Without prejudicing the ultimate disposition of this case, we conclude that Teva has established that a stay pending appeal is warranted under these factors.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The district court's injunction is stayed pending further order of this court.
- (2) Galderma's reply brief and the joint appendix must be submitted electronically no later than January 13, 2019.
- (3) Oral argument has been removed from the March 2020 calendar. Oral argument will be scheduled prior to March, but only if the panel deems it necessary.

FOR THE COURT

December 12, 2019  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court